

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Sections 2300 and 2305.2 of the Low-Voltage Electrical Safety Orders
and
Section 2940.2 and Appendix A to Article 36 of the High-Voltage Electrical Safety Orders

**Electric Power Generation, Transmission, and Distribution;
Electrical Protective Equipment: Final Rule - Corrections****SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**

This rulemaking makes technical and editorial corrections to the Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment: Final Rule, which became effective April 1, 2018. The proposed amendments include changing the section titles, correcting technical formulas, and editorial and typographical corrections.

The proposed amendments are necessary to avoid confusion and to be consistent with 29 CFR 1910.269(l)(3), Table R-3 for alternating current (AC) systems and Appendix B –Working on Exposed Energized Parts of 29 CFR 1910.269.

Section 2300. Scope.

Section 2300 contains the definitions pertinent to the Low-Voltage Electrical Safety Orders. The existing section is entitled “Scope”. The proposal is to revise the title of Section 2300 to “Definitions” to more accurately reflect the contents of this section.

Section 2305.2. Application.

Section 2305.2 contains the scope and application of the Low-Voltage Electrical Safety Orders. The existing title of this section is “Application”. The proposal is to revise the title of Section 2305.2 to “Scope and Application” to more accurately reflect the contents of this section.

Section 2940.2. Minimum Approach Distances.

Section 2940.2 contains the minimum approach distance requirements from energized lines or equipment. The proposal is to correct typographical and formatting errors inadvertently made when duplicating Table R-3 of 29 CFR 1910.269 into Title 8. The proposal is to revise Table 2940.2-1 as follows:

- Row 2: To merge the existing two columns so that there is only one column containing “The minimum approach distance (MAD; in meters) shall conform to the following equations.”
- Rows 3, 7, and 12: To merge the existing two columns so that there is only one column containing the equations. It is proposed to bold the equations to clearly identify and separate the different minimum approach distance equations.
- Rows 7 and 12: Remove reference to Footnote 4, which is proposed to be deleted.
- Row 20: To merge the existing two columns so that there is only one column containing the heading. It is proposed to bold the heading to clearly separate the headings.
- Row 22: Column 1: To delete the upper case letter “A” and replace the letter with a lower case letter “a”.
- Row 23: To merge the existing two columns so that there is only one column containing the heading. It is proposed to delete the word “ground” and replace it with the word “phase” to read “Phase-to-Phase Exposure³”, which is the correct heading. It is proposed to bold the heading to clearly separate the headings.
- Row 25: Column 1: To delete the upper case letter “A” and replace the letter with a lower case letter “a”. Column 5: To correct the formula to include “153,846” that was inadvertently omitted to read $(V_{Peak}-628)/153,846$. Column 6: To add $(V_{Peak}-350.5)/203,666$, a formula that was inadvertently omitted.
- To revise Footnote 2 to reference the renumbered Tables in Appendix A as a result of Legacy Tables 6 through 13 being no longer effective; and therefore, are proposed for deletion.
- To delete Footnote 4 as this footnote references Legacy Tables 6 through 13 in Appendix A which are no longer effective.

Appendix A. Working on Exposed Energized Parts.

Appendix A contains explanatory text regarding Section 2940.2. The proposed editorial amendments are as follows:

- To delete the heading “A. Legacy Tables. Employers may use the minimum approach distances in Table 6 through 13 until October 1, 2018”. This heading is no longer necessary as Legacy Tables 6 through 13 are no longer effective and proposed for deletion.
- To delete Legacy Tables 6 through 13 and their associated “Note(s)” as the Legacy Tables were effective only until October 1, 2018; and are therefore no longer necessary.
- To revise the heading as follows: “~~B.~~ *Alternative minimum approach distances.* Employers may use the minimum approach distances in Table ~~14~~6 through Table ~~21~~13 provided that the employer follows the notes to those tables. The letter “B” is no longer necessary as the preceding heading “A. Legacy Tables ...” is proposed for deletion. The reference to the minimum approach distances Tables 14 through 21 are proposed to be renumbered to Tables 6 through 13, respectively, as a result of Legacy Tables 6 through 13 being proposed for deletion.

- To renumber the minimum approach distances Table 14 through Table 21 to Table 6 through Table 13, respectively, as a result of Legacy Tables 6 through 13 being proposed for deletion.
- To revise the headings of the third column of renumbered Table 6 through Table 13 from “Phase-to-ground exposure” to “Phase-to-phase exposure”.

REFERENCE TO COMPARABLE FEDERAL REGULATION

The Occupational Safety and Health Standards Board is proposing this rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

In conformance with Government Code Section 11346.9(c), the Board provides the following information. Federal OSHA promulgated regulations addressing Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment: Final Rule on April 11, 2014, as 29 Code of Federal Regulations, Parts 1910 and 1926. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 79, No. 70, pages 20316 – 20743, (April 11, 2014) as the justification for the Board’s rulemaking action. As such, this proposed rulemaking specifically relates to 29 CFR 1910.269(l)(3), Table R-3, AC Live-Line Work Minimum Approach Distance, pages 20642 – 20644, and Appendix B, Working on Exposed Energized Parts, pages 20665 – 20678.

TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED ON BY THE BOARD

- Federal Register, Vol. 79, No. 70, April 11, 2014, Table R-3, AC Live-Line Work Minimum Approach Distance, pages 20642 – 20644; and Appendix B, Working on Exposed Energized Parts, pages 20665 – 20678.

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

PETITION

This proposal was not the result of a petition.

ADVISORY COMMITTEE

The proposal was developed without the assistance of an advisory committee.

FIRE PREVENTION STATEMENT

This proposal does not include fire prevention or protection standards. Therefore, approval of the State Fire Marshal pursuant to Government Code Section 11359 or Health and Safety Code Section 18930(a)(9) is not required.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses. The proposal is to correct technical and editorial inaccuracies that were inadvertently made in the Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment: Final Rule, which became effective on April 1, 2018.

BENEFITS OF THE PROPOSED ACTION

The proposed amendments are necessary to avoid confusion by making technical and editorial corrections to the existing state regulations to be consistent with 29 CFR 1910.269(l)(3), Table R-3 for AC systems and Appendix B – Working on Exposed Energized Parts of 29 CFR 1910.269.

The proposed amendments to Section 2940.2 will correct the formulas contained in Table 2940.2-1 for phase-to-phase exposure for voltages 630 kV or more. These equations calculate the minimum approach distances, which is the closest distance a qualified person, which includes qualified electrical worker, qualified tree worker, and qualified line clearance tree trimmer, may approach an energized or a grounded object. The correct calculations of clearances will prevent electrocution. This proposal does not benefit or affect the state's environment.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states. This proposal corrects technical and editorial inaccuracies that were inadvertently made in the Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment: Final Rule, which became effective on April 1, 2018.

REASONABLE ALTERNATIVES TO THE PROPOSAL AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No reasonable alternatives to the proposal were identified or brought to the Board's attention. This proposal corrects technical and editorial inaccuracies to existing requirements.